IN THE HIGH COURT OF JUDICATURE OF ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

FRIDAY, THE NINETEENTH DAY OF NOVEMBER

TWO THOUSAND AND FOUR

:PRESENT:

THE HON'BLE MR JUSTICE : **A. GOPAL REDDY**

WRIT PETITION NO : 21161 of 2004

Between:

M/s. Karan Woosin Limited A Company incorporated under the companies Act, 1956 having its registered Office at S.No. 321 Kallakal, Gajwel Tq., Medak District rep by Manager, Mr. N.C. Reddy

..... Petitioner

AND

1 The Union of India Ministryof Labour New Delhi rep by Secretary

2 The Central Provident Fund Commissioner, Head Office, Employees Provident fund

Organisation 14, Bikaji came Place, New Delhi

3 The Assistant Provident Commissioner (Authority under Section 14B of Provident

Fund Act, 1952) Sub-Accounts Office Susheeram Complex, Patancheru-502 319.

.....Respondent(s)

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus 1. Declaring that the 3rd respondent is having discretion in levying damages within the limits provided under para 32 A of the EPF Scheme and consequently set aside the order of the 3rd respondent dated 29-09-2004 pursuant to the show cause Notice-cum-Levy order No. AP/32431/PD/SAO/PTC/2004176 dated 14-05-2004. 2. Declaring that declare Para 32A of the EPF Scheme as contrary to section 14 B of the EPF Act, Hence void and unenforceable, violative of Principles of natural justice and Article 14 of Constitution of India consequently set a side the order of the 3rd respondent dated 29-09-2004 pursuant to the show cause Notice-cum-Levy order No. AP/32431/PD/SAO/PTC/2004176 dated 14-05-2004 and also 3. Directing the 1st respondent to forthwith appoint presiding officer tot he provident Fund Appellant Tribunal Constituted under 7 D of the Provident Fund Act.

The petition coming on for hearing, upon perusing the petition and the affidavit filed in support there of and upon hearing the arguments of Mr. P. Balaji Varma, Advocate for the Petitioner and Mr. A. Rajasekhar Reddy SC for CG for the Respondent No.1 and of Mr. R.N. Reddy SC for PF on behalf of the Respondent No. 2&3 the Court made the following Order

In view of the fact that the High court of Delhi has already directed the Central Government to constitute the Tribunal forthwith, Post this Writ Petition after six (6) weeks for admission.

In the meanwhile, there shall be interim stay of all further proceedings on condition of petitioner depositing 50% of the amount, within four (4) weeks from today.

ASSISTANT REGISTRAR

// TRUE COPY //

for ASSISTANT REGISTRAR

To

1 The Secretary, Ministry of Labour Union of India, New Delhi

2 The Central Provident Fund Commissioner, Head Office, Employees Provident fund

Organisation 14, Bikaji came Place, New Delhi

3 The Assistant Provident Commissioner (Authority under Section 14B of Provident

Fund Act, 1952) Sub-Accounts Office Susheeram Complex, Patancheru-502 319.

(1 to 3 by RPAD)

4. One spare copy.

nwa

HIGH COURT

AGR J

DATED: 19-11-2004

ORDER

WP NO. 21161 OF 2004

INTERIM STAY

Drafted by: nwa
Dated: 20-11-2004

HIGH COURT

AGR J

DATED: 19-11-2004

ORDER

WP NO. 21161 OF 2004

INTERIM STAY